

ROGER BRENT DAVIS,)
)
 Plaintiff,) 3:08-cv-00421-LRH-VPC
)
 vs.)
)
 HOWARD SKOLNIK, *et al.*,) ORDER
)
 Defendants.)
)
 /

Pursuant to Rule 41(a)(1)(A), Federal Rules of Civil Procedure, a plaintiff may voluntarily dismiss an action without court order by filing a notice of dismissal before the opposing party files either an answer or a motion for summary judgment. Such a dismissal is without prejudice unless the motion states otherwise. Fed.R.Civ.Pro. 41(a)(1)(B). Defendants have not yet appeared in this action. Accordingly, the court will grant plaintiff's motion.

IT IS FURTHER ORDERED that all other pending motions is this action are **DENIED** as moot.

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1 **IT IS FURTHER ORDERED** that the clerk shall **ENTER JUDGMENT** accordingly and
2 **CLOSE THIS CASE.**

3 Dated this 14th day of April, 2009.

A handwritten signature in blue ink, appearing to read "L. Hicks", is written over a faint circular stamp.

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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE